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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,560	03/09/2004	Thomas A. Dye	MEET 08.002	1062
48/098	7590	12/19/2008		
VIRTUAL LEGAL, P.C. MICHAEL A. KERR P.O. BOX 22028 CARSON CITY, NV 89721			EXAMINER NL, SUHAN	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 12/19/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MICK@INVENT.NET  
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### Office Action Summary

**Application No.**

10/796,560

**Applicant(s)**

DYE ET AL.

**Examiner**

Suhan Ni

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-6 and 11 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Election/Restriction***

1. This communication is responsive to the provisional election made without traverse on 09/26/2008 to prosecute the invention of Group I, claims 1-8 and 11. Other Group, including claims 9-10 is withdrawn and cancelled from further consideration, as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1 and 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Zhu et al. (U. S. Pat. App. Pub. – 2003/0137976).

Regarding **claim 11**, Zhu et al. disclose a method for adding a first telephone participant to a multi-participant video conference (Fig. 1), comprising: sending a first message to each of a plurality of multicast appliances (300) over the Internet (400), wherein the first message comprises a group address which identifies the participants inherently; each of the multicast appliances receiving the first message; establishing a plurality of virtual private networks (VPN) across the Internet routes between the multicast appliances; one or more of the participants

communicating in the multi-participant video conference (300); and one or more telephone participants (320) joining the multi-participant video conference as claimed.

Regarding claim 1, Zhu et al. disclose a method for adding a telephone participant to a multi-participant video conference (Fig. 1), comprising: sending a first message to each of a plurality of multicast appliances (300) over the Internet (400), wherein the first message comprises a group address which identifies participants inherently; each of the multicast appliances receiving the first message; establishing a plurality of virtual private networks (VPN) across the Internet between the multicast appliances; wherein one or more of the participants (300) are able to communicate in the multi-participant video conference; the telephone participant (320) joining the multi-participant video conference, wherein said joining comprises: a first participant (300) contacting the telephone participant (320) establishing a phone number with a VoIP server (200, 310); the VoIP server communicating with a gateway to call the telephone participant; the telephone participant participating in the multi-participant video conference as claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al. (U. S. Pat. App. Pub. – 2003/0137976).

Regarding claims 2 and 5-6, Zhu et al. may not clearly teach all the details of the telephonic processing (VoIP) steps as claimed. Since providing suitable VoIP processing steps for a telecommunication network is very well known in the art, it therefore would have been obvious to one having ordinary skill in the art at the time the invention was made to be motivated to provide suitable processing steps, such as generating, transmitting packets, for the method taught by Zhu et al., in order to effectively and efficiently operate the telephonic/video conference system.

#### *Allowable Subject Matter*

4. Claims 3-4 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is **(571)-272-7505**, and the number for fax machine is **(571)-273-7505**. The examiner can normally be reached on Tuesday and Thursday from 10:00 am to 8:00 pm, and may be reached on Monday, Wednesday and Friday from 10:00 am to 8:00 pm. If it is necessary, the examiner's supervisor, **Curtis A. Kuntz**, can be reached at **(571)-272-7499**.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600, or please see <http://www.uspto.gov/web/info/2600>.

/Suhan Ni/

Primary Examiner, Art Unit 2614

12/11/2008